

# Department of Peacekeeping Operations Office of Rule of Law and Security Institutions

Confidential

## VISIT TO TIMOR-LESTE AND AUSTRALIA

Name: Dmitry Titov

Section/Unit/Division: OASG/OROLSI/DPKO

Title: Assistant Secretary-General

Type: Mission Visit UNMIT/Australia

Signature:

Date of Submission: 01/12/2008

### Objectives of the mission:

· Assess the work of the rule of law and security sector reform components in UNMIT;

 Determine the level of cooperation and coordination with the Government and with donors in the areas of police, justice, corrections and SSR.

# Mission participants:

Mr. Dmitry Titov, ASG/ROLSI

Mr. Kevin Steeves, Policy and Planning Officer, OASG/ROLSI

# Summary of findings:

# **Timor-Leste**

- The overall security remains stable in Timor-Leste. However, despite the progress made recently, the country remains extremely weak and a potential for rapid deterioration is still there. In my view, there are three main elements that will define the short- and medium-term prospects in Timor-Leste: the continuation of political dialogue, the economic environment, and institution-building. On the political front, the country is admittedly more tolerant, having overcome the trauma of the armed attacks against the President and the Prime Minister in February. But much depends on the political chemistry of the four main State actors (President Ramos-Horta, Prime Minister Gusmão, Mr. Alkitiri and Brigadier-General Rauk). Ably assisted by SRSG Khare, the international community continues its intense interaction with these actors, which helps to moderate the ongoing adversarial under-currents and political divisions. At the same time, to achieve more fundamental stability, it would be vital to focus on considerably enhancing political institutions, particularly the Parliament, and invest an extra effort in grooming a second line of national leaders.
- 2. With the precipitous fall of oil prices, <u>managing the economy</u> presents a particular challenge to the Government. During our visit, the Prime Minister and others were actively engaged in balancing the next budget, which poses two dilemmas: the need to improve the still dismal socio-economic conditions and to rapidly strengthen security institutions. In order to solidify the precarious social conditions, the country may need a special massive employment generation project(s), for example in the areas of infrastructure-building and agriculture. With regard to the <u>security institutions</u>, there will be no easy choices, and donors should be prepared to provide new, reinvigorated assistance in the security area while the Government continues to be under pressure to redeem on its social promises. In this sphere, the major underlying fault lines persist, albeit at a diminishing level. The mistrust between the F-FDTL and the PNTL is still

obvious, with the former claiming that the police are not yet ready to resume responsibility for law and order.

- The PNTL is developing progressively with the assistance of UNPOL. At the individual level, there is a growing professionalism and even enthusiasm that permeates the rank and file. However, tremendous institutional gaps persist, including weak management and command and control, lack of core capacities (e.g., investigations), and an almost total absence of logistics and systems maintenance capacity (we were told that, after protracted procurement delays, some modest communications and transport equipment is expected to be received in early 2009). In many respects, the PNTL is still dependent on UNPOL. At the same time, there is some tension emerging between UNPOL and PNTL with regard to divergent views on the readiness of PNTL to resume responsibilities from UNPOL. Also, most troubling was that we could not get any certainty about the budget for the police. The Prime Minister informed us, however, that the "defence budget" was prioritized and agreed upon. Our observations confirmed UNMIT's intention to delink any possible drawdown of UNPOL from the transfer of policing duties back to the PNTL. We recommended that - while keeping the initial transfer deadlines and benchmarks as leverage the Mission take a more pragmatic but energetic step-by-step approach to identifying (together with the Government and donors) and filling in police and other law enforcement gaps. To confirm the PNTL status, it should also undertake a joint UN/Timorese assessment of the police's readiness to resume full operational responsibility, perhaps with the participation of independent expertise.
- 4. There is a wide-spread understanding of the need for a long-term <a href="strategy on justice">strategy on justice</a> that could go further than the 2005 National Justice Policy, in order to address judicial and legal bottlenecks. To this end, we agree with UNMIT's recommendation for an independent review of the entire sector. Areas requiring particular attention include the politically sensitive backlog of over 5,000 pre-trial cases (the figure being contested by Prosecutor-General); political interference in the independence of the judiciary and legislative action; acute shortage of judges, public defenders and rehabilitated court structures; the expectation of a massive increase in civil cases; and the consequences associated with the use of Portuguese in the judicial and legal systems. President Ramos-Horta also informed of his determination to have only Timorese judges presiding by June 2009, an apparent indication of tension with some independently minded international judges.
- 5. Assuming better policing and prosecution in the future, <u>prisons reform</u> will certainly become an area of increased priority in Timor-Leste. It would be imperative, therefore, to deal with the issues related to prisons capacity in a pre-emptive manner. There will also be a parallel need to further develop penitentiary programmes, including vocational and rehabilitation activities. We visited the impressively rehabilitated Becora prison in Dili some elements of its development could possibly be promoted in other peacekeeping Missions, demonstrating how UNMIT, UNDP and bilateral donors have succeeded in coordinating their support. In the meantime, international partners and the Timorese are already aiming at developing additional prison facilities in 2009/10.
- 6. President Ramos-Horta told us that he has made <u>SSR</u> one of his two priorities, together with the fight against poverty. We agreed with him that SSR should be based on high-level national consensus and long-term sustainability, taking into account sound threat assessments and fitting into the changing economic context. Yet, I was struck by how elusive the concept and the various activities of SSR remain in Timor-Leste. Most of our interlocutors stressed the lack of clarity in the Government in regard to undertaking SSR in a comprehensive and holistic manner. In this environment, the F-FDTL has positioned itself as the guarantor of stability even though it has no clearly defined role or responsibilities. If not corrected, this may present a long-term security danger and may portent further friction with the PNTL.
- In the meantime, a great deal of attention is being placed on the forthcoming international SSR symposium from 11 to 12 December in Dili, which should be seen as the entry point into a

much longer process. We advocated better coordination between UNMIT and the main donors, as well as among the donors themselves, whose individual approaches and lobbying make it difficult for the Government to review multiple offers. In such an environment, there is a danger that decisions may not be solely based on a clear assessment of threats and the optimal use of resources. In this regard, UNMIT could help the Government, by presenting to it simplified SSR options, including on the roles of security agencies and ensuring their adequate oversight, finalizing the definition of the benchmarks to guide the resumption of policing responsibility by the PNTL, etc. We also stressed with UNMIT that these and other SSR issues should be given priority in the next report of the Secretary-General on Timor-Leste, to be discussed by the Security Council in February, and at which the President expressed his wish to participate.

8. Main donors believe – and we fully agree – that UNMIT, including its strong leadership, continues to be an indispensable element of the overall peace and reconciliation process, particularly in the rule of law area. Its presence and activism are appreciated by the population and many in the Government. At the same time, it would be desirable for all donors to lower their "positive pressure" on the Timorese Government, allowing it to develop and gradually expand its own space.

### Australia

- 9. The one-day visit to Canberra served to brief Australian Government representatives on our trip to Timor-Leste, the recent general trends and priorities in UN peacekeeping and the forward-looking agenda of OROLSI. We placed a particular emphasis and found agreement on the pressing need to expand the operational capacity of the Police Division (and the Standing Police Capacity) as well as other elements of the pillar; and discussed in detail the considerable agenda of interaction between Australia and UNMAS. First Assistant Secretary Woolcott agreed with our assessment of developments in Timor-Leste and stressed the need to avoid any artificial deadlines in the rule of law area in Timor-Leste, in particular in regard to the transfer of policing responsibilities.
- 10. We also visited the International Deployment Group (IDG) of the Australian Federal Police, which is impressively developing into a world-class centre for training Australian, Pacific Islands and other regional police. The IDG is keen to further support the development of UN policing, including increased collaboration on such issues as pre-deployment training and doctrine development. We were also briefed on the IDG's Operational Response Group (ORG), which is designed for quick police intervention. The ORG's robust configuration deserves to be carefully studied as we finalize our FPU concept. We also visited the recently inaugurated Asia-Pacific Centre for Civil-Military Cooperation which is willing to establish ties with DPKO in regard to researching various aspects of post-conflict stabilization as well as rapidly deploying civilians into crisis management situations, which we strongly welcomed.

### Recommendations:

- Brief the core Group of Friends of Timor-Leste on the visit;
- UNMIT to consult with GoTL on the major gaps related to the resumption of full policing duties by PNTL;
- UNMIT, in coordination with PolDiv, to organize a joint assessment of PNTL;
- UNMIT to further consult GoTL on the comprehensive assessment of the justice sector, including linking up with donors;
- UNMIT, together with GoTL and relevant DPKO offices, to prepare the RoL and SSR roadmap for inclusion in the forthcoming SG report and the extension of UNMIT's mandate;
- PolDiv to consider organizing a special event (in New York) on "FPU plus" capacities for current and future UN police operations;
- CLJAS to send the draft concept on the Rapidly Deployable Rule of Law Capacity to DFAT of Australia and the Australian Permanent Mission to the UN.

# Names and positions of key interlocutors during the mission:

Timor-Leste

UNMIT Staff (SRSG, DSRSGs, Head of ROLSI components)

President Ramos-Horta

Prime Minister Gusmão

Parliament President de Araujo

Secretary of State for Security Guterres

Secretary of State for Defence Pinto

Opposition Leader Alkitiri

Prosecutor-General Monteiro

PNTL Commander General-Designate de Jesus

F-FDTL Commander Brigadier-General Ruak

Members of the Parliamentary Committees for Constitutional Affairs and National Security

Resident Ambassadors

Representatives of civil society

### Australia

DFAT First Assistant Secretary for South-east Asia Woolcott
DFAT First Assistant Secretary for International Organizations Potts
AusAID Assistant Director-General Sherwin
IDG/AFP Senior Management Team

Attachments	(ontional)	
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	Programme	X

- Agenda of event
- Technical Details of Assessment
- ◆ ToR or rationale for the mission
- Other –
- None □

Approved Mission Itinerary: Geneva - Zurich - Dili - Canberra - New York	Funding Source: Regular		
Inclusive travel dates: 22 November to 29 November 2008	TA #: 178627, 178622		

This report will not be followed by a more detailed assessment.

# Distribution:

OROLSI Heads of Unit, Section Chiefs and Desk Officers

### UNITED NATIONS INTEGRATED MISSION IN TIMOR-LESTE

# DMITRY TITOV, ASG DPKO OFFICE OF RULE OF LAW AND SECURITY INSTITUTIONS

# PROGRAMME OF VISIT TO TIMOR-LESTE, 22-27 NOVEMBER 2008

ASG Titov and K. Steeves to participate in all meetings

DSRSG Kawakami and SA to participate in all meetings - participation of other UNMIT Sections/Units as indicated (bold = lead, responsible for note taking)

Interpretation support required for the meetings/events appearing in green in the program

DAY 1: Saturday 22 November

Time	Location	Event	Objective	UNMIT participants
1420	International Airport Nicolau Lobato	Arrival in Dili - Security briefing by CSA	holical aboxwell gay saws	CSA
1430		Welcome by A/SRSG Reske- Nielsen and DSRSG Kawakami	Discussion on status of the	Section Promet
1800-1845	Hotel Timor	Meeting with Isabelle Abric, CPIO and Allison Cooper, Spokesperson	Media briefing and discussion	CPIO, Spokesperson

DAY 2: Sunday 23 November

Time	Location	Event	Objective	UNMIT participants	Non-UN Participants
0800-00845	Hotel Timor	Pre-departure briefing	Overview of issues related to border management in the current context.	UNPOL, MLG, <b>SSSU</b> , PAS	
915	International Airport	Helicopter takes off to Batugade, Bobonaro	Halo de Carris Communications		
0945-1115	Batugade, Bobonaro	Field trip and visit to border post	Policing and border management issues	UNPOL, MLG, SSSU, PAS	PNTL
1145		Helicopter takes off to Dili			
1215-1345	GNR Compound	Working lunch with Juan Carlos Arevalo UNPOL A/PC and Afonso de Jesus, PNTL Commander General Designate	Policing issues	UNPOL / Hosted by Portuguese FPU (GNR)	PNTL
1345-1415	Mercado Lama	Visit to Police post	ENACTED FOR THE	UNPOL	PNTL
1830	SRSG's Residence	Meeting with SRSG and DSRSGs (followed by dinner with DSRSG Kawakami)	propertical designation (astro-		Deput Ald ans Lan Industrial Months Ald Personal R Ald

DAY 3: Monday 24 November

Time	Location	Event	Objective	UNMIT participants	Non-UN participants
745	SRSG Conf Rm	JOC Daily Briefing - OPTIONAL		Management Team	
0800-0845	UNMIT Conf. Rm A	Townhall Meeting	Introduction of ASG Titov to UNMIT staff	All staff invited	
0930-1030	Palacio do Governo - OPM	Meeting with H.E. Xanana Gusmão, Prime Minister; [Confirmed]	Introductory meeting (see talking points)	principal CENT (SAME)	Deputy PM Jose Luis Guterres, MinForAff Zacarias da Costa, SoSS Francisco Guterres may also attend
1100-1215	UNMIT Conf. Rm A	Thematic Meeting on Rule of Law	Discussion to be centered around the questions of access to justice and accountability.	AJSU, <b>HRTJS</b> , SCIT, CLA, UNDP, UNICEF, UNIFEM	
1230- 1315	PX	Lunch break	bedony and scenar	and will stall	213
1400- 1500	Office of the President	Meeting with H.E. Dr. Jose Ramos- Horta, President of the Democratic Republic of Timor-Leste [Confirmed]		SE CONTRACTOR STORY	
1500- 1615	UNMIT Conf. Rm A	Thematic meeting on Security Sector Reform	Discussion to be centered around the challenges encountered in the conduct of a security sector review and questions related to the resumption of policing responsibilities by the PNTL	SSSU, UNPOL, MLG, PAO, CLA, HRTJS, UNDP	
1630- 1715	Palacio das Cinzas	Meeting with Members of the SSR Coordination Committee, Third tiers of the National SSR structure [Confirmed]	Discussion on: status of the review process to date, SSR project, upcoming SSR Seminar	SSSU, SSR Project Manager	Dr. Roque Rodrigues, Dr. Alcino Baris, Ana Filipa Carvalho (Adv.), Joana Costa (TA)
1730- 1830	Becora Prison	Visit to correctional facilities	Typinc (1+0	AJSU (A. Swaine, Corrections Officer), H. Gomes, UNDP (D. Bramley)	TL Director of Prison Services

DAY 4: Tuesday 25 November

Time	Location	Event	Objective	UNMIT participants	Non-UN participants
700	International Airport	Helicopter takes off to Baucau			
0800-0900	Baucau	Meeting with PNTL and UNPOL District Commanders - DA to be invited	Policing issues	UNPOL	
0915-0945	Baucau	Meeting with the Dr. Edite Palmira, Presiding Judge of Baucau District Court. One of the prosecutors may attend this meeting.	Discussion of the challenges encountered in the administration of justice, in	AJSU Chief (M. Dufresne), <b>HRTJS</b> (Regional HRO T.	Dra. E. Palmira,possibly Mr. G. da Silva, Prosecutor (Int'L)
0945- 1115	Baucau	Meeting broadens to include additional stakeholders	particular at the disctric level.	Skrobek)	Private lawyers and civil society representatives
1130-1145	Baucau	Visit of the UIR installations (PNTL Rapid Response Unit)	Policing issues	UNPOL	
1200-1245	Baucau	Lunch hosted by Bangladesh FPU			
1315- 1400	Manatuto	Visit to Manatuto	1-66		
1430-	International Airport	Arrive back in Dili	professional sation of the F-	MLC	
1500-1600	Office of SoSS	Dr. Francisco Guterres, Secretary of State for Security [Confirmed]	Discussion on UNPOL/PNTL collaboration, preparations for resumption of policing responsibilities by PNTL (status & next steps)	SSSU (J. Coy), UNPOL (A/PC, B. Laan), CLA	The rel of organization
1600-1700	Office of SoSD	Mr. Julio Thomas Pinto, Secretary of State for Defence [Confirmed]	SSR with focus on F-FDTL	SSSU (E. Brandenburg)	
1700-1800	Office of PG	Dr. Longinhos Monteiro, Prosecutor General [Confirmed]	Challenges encountered in the administration of justice	AJSU, HRTJS, SCIT	See list of Mormers of
1800- 1900	Office of Provedor	Mr Silverio Pinto Baptista, Deputy Provedor [Confirmed]	Human Rights issues - violations committed by the defense and security forces	HRTJS	
1930	Hotel Esplanada	Reception hosted by DSRSG Kawakami	Committee in the discharge of	UN personnel	National counterparts

DAY 5: Wednesday 26 November

Time	Location	Event	Objective	UNMIT Participants	Non-UN Participants
0830- 0915	MA's Residence	Meeting with Mr. Mari Alkitiri [Confirmed]			
0930-0945	Office of the President of NP	Meeting with Hon. Fernando (Lasama) de Araujo, President of National Parliament [Confirmed]	Courtesy call		
0945-1035	Meeting Room of Committee A	Meeting with Hon. Fernanda Borges, President of Committee A (Constitutional Affairs, Justice, Public Administration, Local Government and Government Legislation) and members of the Committee [Confirmed]	Challenges encountered by the Committee in the discharge of its responsibilities. Role of UN in support of Sector.	AJSU, <b>HRTJ</b> , SCIT, PAS (R. Cunha)	See list of Members of Committee A
1035- 1120	Meeting Room of Committee B	Meeting with Hon. Duarte Nunes, President of Committee B (Foreign Affairs, Defence and National Security) and members of the Committee [Confirmed]	Challenges encountered by the Committee in the discharge of its responsibilities. Role of UN in support of Sector.	SSSU, PAS (R. Cunha)	See list of Members of Committee B
1130-1230	UNMIT Conf. Rm A	Meeting with Representatives of Civil Society Organizations	Topics of discussion: i) access to justice, and ii) civil society's priorities in the transformation of the security sector.	HRTJS, AJSU	See list of organizations invited
1230-1400	Discovery	One on one lunch with SRSG			
1430-1515	F-FDDTL HQ Taci Tolu	Meeting with BrigGen. Taur Matan Ruak, F-FDTL Commander [Confirmed]	Challenges encountered in the professionalization of the F-FDTL; relations between F-FDTL	MLG	
1630- 1730	UNMIT Conf. Rm A	Roundtable discussion with donors	Topics of discussion: i) resumption of policing responsibilities by PNTL, and ii) medium term strategy benchmarks relevant to justice and security sectors.	TBC	See list of organizations invited
1845-1930	UNMIT Conf. Rm B	Debriefing with SRSG, DSRSGs Reske-Nielsen & Kawakami, and Section Heads	Wrap-up and next steps	SSSU, UNPOL, MLG, CLA, HRTJS, AJSU, PAS	r G (la Silve) rossernor (leric)
2000		Dinner (DSRSG Kawakami)			

Thursday 27 November

Time				
0830-0900	International	Arrive at airport interview with UNMIT Radio		
900	Airport Nicolau Lobato	Departure		

# Visit of the Assistant Secretary-General Rule of Law and Security Institutions, Mr Dmitry Titov 28 November 2008

## Friday 28 November, Canberra

09.30 - 09.55

Meeting with Peter Woolcott, First Assistant Secretary, South-East Asia Division, the Department of Foreign Affairs and Trade

#### Venue:

R G Casey Building John McEwen Crescent Barton ACT 0221

Mr Titov will be met at 69.25 at the main entrance by Dylan Walsh.

### Contact:

Dylan Walsh Tel: (02) 6261 3269

10.00 - 10.30

Meeting with Michael Potts, First Assistant Secretary International Organisations and Legal Division, the Department of Foreign Affairs and Trade

#### Venue:

R G Casey Building John McEwen Crescent Barton ACT 0221

Dylan Walsh will escort Mr Titov to the meeting.

### Contact:

Andrei Secto Tel: (02) 6261 9601

11.00 - 11.30

Meeting with Alistair Sherwin, Assistant Director-General Humanitarian and Middle East Branch, the Australian Agency for International Development (AusAlD)

### Venue:

AusAID, 255 London Circuit

Mr Titov will be met at the main entrance by Bronwyn Wiseman.

## Contact:

Bronwyn Wiseman Tel: 6206 4254

12.00 - 12.35

Lunch hosted by the International Deployment Group, the Australian Federal Police

#### Venue

Tambreet St, off Majura Road, 6km from Brand Depot/Airport

### Contact:

Gigi Neumann Tel: 6133 3519, Mob: -61 438 497 671

12.35 13.20 International Deployment Group Overview and Rule of Law Presentation

Venue:

Tambreet St, off Majura Road, 6km from Brand Depot/Airport

Contact:

Gigi Neumann Tel: 6133 3519, Mob: +61 438 497 671

13.20 - 13.50 International Deployment Group Village Tour

Venue:

Tambreet St, off Majura Road, 6km from Brand Depot/Airport

Contact:

Gigi Neumann Tel: 6133 3519, Mob: +61 438 497 671

13.50 - 14.00 Transport to Operational Response Group

Venue:

Tambreet St, off Majura Road, 6km from Brand Depot/Airport

Contact

Gigi Neumann Tel: 6133 3519, Mob: +61 438 497 671

14.00 - 14.30 Tour of the Operational Response Group

Venue:

Operational Response Group, Camberra Airport

Contact:

Gigi Neumann Tel: 6133 3519, Mob: -61 438 497 671

15.00-16.00 Meeting with Major General (ret) Michael Smith AO, Executive

Director Asia-Pacific Civil-Military Centre of Excellence

Venue:

Level 1, 34 Lowe Street Queanboyan NSW 2620

Contact:

Alison Charters Tel: (02) 6160 2208

TBC Informal dinner hosted by the International Deployment Group, Australian

Federal Police

Venue:

TBC